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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,287	08/01/2003	Kenji Yamane	112857-418	3340
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K&L Gates LLP P. O. BOX 1135 CHICAGO, IL 60690			EXAMINER BANTAMOI, ANTHONY	
			ART UNIT 2423	PAPER NUMBER
			NOTIFICATION DATE 12/29/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No. 10/633,287	Applicant(s) YAMANE, KENJI	
	Examiner ANTHONY BANTAMOI	Art Unit 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 09/21/2009 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 7-12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0044732 to Fushiki et al. (Fushiki), in view of US Patent 7,271,809 to Fedorovskaya et al. (Fedorovskaya), in view of US Patent 6,633,685 to Kusama et al. (Kusama).

Regarding claims 1, 7, 11, 12, Fushiki teaches an information processing system (Para. 0029, ll. 1-3, & figure 6) comprising:

a first information processing apparatus (606a); a second information processing apparatus (604); at least one processor (figure 1, label 120); at least one memory device (figure 1, label 130) storing instructions, which when executed by the at least one processor cause the at least one processor to operate with the first information processing apparatus (606a) and the second information processing apparatus (604) (Para. 0038) to:

(a) cause the first information processing apparatus (606a) to receive first content from the second information processing apparatus (604) (figure 7, step 702);

(b) cause the second information processing apparatus to acquire the first content (figure 7, step 706);

(c) cause the second information processing apparatus to acquire a second content (figure 7, step 706);

(i) cause the second information processing apparatus to transmit, to the first information processing apparatus, a resultant content obtained by combining the second content with the first content (figure 7, steps 714, & 716);

The combination of Fushiki and Fedorovskaya teaches d) combine the second content with the first content in units of tiles, wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content.

In that Fushiki teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client (figure 7, steps 714, & 716) which meets "(d) combine the second content (list) with the first content (image) (note image meets "a portion of a screen"))).

And Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets "wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include wherein a

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ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Fushiki and Fedorovskaya are silent on:

(e) receive a first predetermined ranking of a first tile; (f) select a file based on said received first predetermined ranking, said file including a first image of a second tile and a second image of a third tile, said file having a tile counter value; (g) after the file is selected, read the first image; (h) increment the tile counter value; (i) after said tile counter value is incremented, for a second selection of the file, read the second image.

Kusama teaches (e) receive a first predetermined ranking of a first tile (figure 28, tile numbers are weighted by size meets “ranking”); (f) select a file based on said received first predetermined ranking, said file including a first image of a second tile and a second image of a third tile, said file having a tile counter value (figure 33, S4201);(g) after the file is selected, read the first image (figure 33, S4208);(h) increment the tile counter value (figure 33, S4209);(i) after said tile counter value is incremented, for a second selection of the file, read the second image(figure 33, S4204).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the system of Fushiki and Fedorovskaya to include (e) receive a first predetermined ranking of a first tile; (f) select a file based on said received first predetermined ranking, said file including a first image of a second tile and a second image of a third tile, said file having a tile counter value; (g) after the file is

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selected, read the first image; (h) increment the tile counter value; (i) after said tile counter value is incremented, for a second selection of the file, read the second image as taught by Kusama in order to support image compression at much higher speeds requiring less memory.

Regarding claim 2, Fushiki teaches an information processing method for an information processing system (figure 7, entire) comprising a first information processing apparatus (606a, or b) for receiving a first content (figure 7, step 702) and a second information processing apparatus (604) for transmitting the first content (figure 7, step 702) to the first information processing apparatus (606a, or b) the information processing method comprising:

causing the first information apparatus to receive the first content from the second information processing apparatus (604) (figure 7, step 702); causing the second apparatus to acquire the first content (604) (figure 7, step 706, (image has to be acquired see figure 1, label 192), causing the second apparatus to acquire a second content (edit list) (figure 7, step 706); and causing the second information processing apparatus to transmit, to the first information processing apparatus, a resultant content obtained by combining the second content with the first content (figure 7, steps 714, & 716).

The combination of Fushiki and Fedorovskaya teaches combining the second content with the first content in units of tiles, wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content.

In that Fushiki teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client (figure 7, steps 714, & 716) which meets “combining the second content with the first content in units of tiles”).

And Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, ll. 8-17) which meets “wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include wherein a ranking and popularity are associated with each tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Fushiki and Fedorovskaya are silent on receiving a first predetermined ranking of a first tile; selecting a file based on said received first predetermined ranking, said file including a first image of a second tile and a second image of a third tile, said file having a tile counter value after the file is selected, reading the first image; incrementing the tile counter value; after said tile counter value is incremented, for a second selection of the file, reading the second image.

Kusama teaches receiving a first predetermined ranking of a first tile (figure 28, tile numbers are weighted by size meets “ranking”); selecting a file based on said received first predetermined ranking, said file including a first image of a second tile and

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a second image of a third tile, said file having a tile counter value (figure 33, S4201); after the file is selected, reading the first image (figure 33, S4208); incrementing the tile counter value (figure 33, S4209); after said tile counter value is incremented, for a second selection of the file, reading the second image (figure 33, S4204).

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify the system of Fushiki and Fedorovskaya to include receiving a first predetermined ranking of a first tile; selecting a file based on said received first predetermined ranking, said file including a first image of a second tile and a second image of a third tile, said file having a tile counter value after the file is selected, reading the first image; incrementing the tile counter value; after said tile counter value is incremented, for a second selection of the file, reading the second image as taught by Kusama in order to support image compression at much higher speeds requiring less memory.

Regarding claim 8, Fushiki teaches the information processing apparatus (604), wherein when executed by the processor, the instructions cause the processor to:, (a) receive information of a tile being displayed by the another information processing apparatus, (606a, or b), from the another information processing apparatus (figure 7, step 706); (b) select the second content to be combined with the first content, according to the information of the tile, wherein the selected second content is combined with the first content (figure 7, steps 714, & 716, (inherent in 604 to select content based on received edit list for correction)).

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Regarding claim 9, Fushiki teaches the information processing apparatus, wherein when executed by the processor, the instructions cause the processor to hold information of a specific tile specified in advance among tiles, wherein the part of the first content, corresponding to the specific tile with the second content, is replaced (figure 7, steps 714, & 716, (inherent in 604 to store received edit list to effect corrections)).

Regarding claim 10, Fushiki teaches storing the list of modifications made to the images by client and in return effecting the changes to the images and transmitting the corrected images an the edit list to the client (figure 7, steps 714, & 716).

However, is silent on the information processing apparatus, wherein when executed by the processor, the instructions cause the processor to calculate the popularity of the specific tile according to the information of the tile, wherein the second content is selected according to the popularity.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites for selection based on the degree of preference of a user (column 9, 8-17) which meets “the information processing apparatus, wherein when executed by the processor, the instructions cause the processor to calculate the popularity of the specific tile according to the information of the tile, wherein the second content is selected according to the popularity”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include the information processing apparatus, wherein when executed by the processor, the instructions cause

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the processor to calculate the popularity of the specific tile according to the information of the tile, wherein the second content is selected according to the popularity as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood. Regarding claim 14, Fushiki teaches the information processing apparatus, wherein when executed by the processor, the instructions cause the processor to cause a display to output a screen divided into a plurality of tiles (computer monitor see figure 606a, or b).

Regarding claim 15, Fushiki is silent on the information processing apparatus, wherein when executed by the processor, the instructions cause the processor to calculate the popularity of the specific tile based on information of an adjacent tile.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets “the information processing apparatus, wherein when executed by the processor, the instructions cause the processor to calculate the popularity of the specific tile based on information of an adjacent tile”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include the information processing apparatus, wherein when executed by the processor, the instructions cause the processor to calculate the popularity of the specific tile based on information of an adjacent tile as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

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Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fushiki, in view of US Patent 6,587,156 to Stubler. (Stubler), in view of Fedorovskaya.

Regarding claims 3, 4, 5, Fushiki teaches an information processing apparatus comprising: a processor (120); a memory (130) device storing instructions, which when executed by the processor cause the processor to (Para. 0029, ll. 1-3, & figures 1, & 6):

(a) receive a content from another information processing apparatus; (606a, or b receives from 604 therefore receiving means is inherent in 606a, or b see figure 6); In addition Fushiki teaches (c) generate and transmit information of the detected tiles means to the another information processing apparatus, wherein the generated and transmitted information includes the detected first identification of the first tile and the detected second identification of the second tile (figure 6, & Para. 0076 (604 transmits the image to 606a or b from image data server which is a component of 604)).

Fushiki is silent on (b) detect: (i) a first identification of a first tile being displayed by a display device; and (ii) a second identification of a second tile being displayed by the display device, wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content.

In a similar field of endeavor Stubler teaches (b) detect: (i) a first identification of a first tile being displayed by a display device; and (ii) a second identification of a second tile being displayed by the display device (figure1, S4, & figure 1, S8 (the process of comparison makes a second identification of a second tile being displayed by the display device inherent)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki to include (b) detect: (i) a first identification of a first tile being displayed by a display device; and (ii) a second identification of a second tile being displayed by the display device as taught by Stubler in order to support automatic tile detection, thereby allowing for drawing a bindery between digitized videos.

Fushiki and Stubler are silent on wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content.

In a similar field of endeavor Fedorovskaya teaches ranking images as favorites based on the degree of preference of a user (column 9, 8-17) which meets “wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fushiki and Stubler to include wherein a ranking and popularity are associated with the tile, the ranking having a predetermined associated content as taught by Fedorovskaya in order to support behavioral image editing, thereby allowing the selection of favorite images based on user behavior or mood.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on Monday - Friday 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272 7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Bantamoi
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